

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claim 37 has been amended herein and claims 63, 69-74, 78 and 79 have been canceled without prejudice to continued prosecution.

Claims 63, 69-74, 78 and 79 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. 112 Rejections

Claims 72 and 73 stand rejected under 35 U.S.C. 112, first paragraph, as the Examiner asserted that those claims fail to comply with the written description requirement.

Without acquiescing to the Examiner's rejection and solely to expedite prosecution, Applicants have canceled claims 72 and 73 herein. Therefore, Applicants respectfully submit that the rejection of claims 72 and 73 under 35 U.S.C. 112, first paragraph, is moot.

The 35 U.S.C. 103 Rejections

Claims 37 and 45-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Bellin and further in view of Wittwer I; claims 59-61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Bellin, further in view of Wittwer I, and further in view of Hartley; claim 62 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Bellin, further in view of Wittwer I and further in view of Bergeron; claim 74 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Bellin and Buck; claims 78-79 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Bellin and Buck, and further in view of Wittwer II; claims 63, 72 and 73 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Belanger and further in view of Buck and Tyagi; claims 63 and 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Pfeffer and Buck; claims 70-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Pfeffer and Buck and further in view of Livak et al.; claims 37, 45-61, 63, 69-74 and 78-79 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Uhl; claim 62 stands

rejected under 35 U.S.C. 103(a) as being unpatentable over Telford in view of Uhl and further in view of Bergeron.

Without acquiescing to the Examiner's rejection and solely to expedite prosecution, Applicants have amended independent claim 37 to recite, inclusively, all four oligonucleotide sequences. In addition, the length limitation on each primer and probe has been removed, and the independent claims now recite the specific primer and probe sequences that were exemplified in the specification. Further, Applicants reiterate the previous arguments regarding the high specificity and sensitivity of the specifically claimed combinations of primers and probes. Therefore, Applicants have clearly demonstrated unexpected and surprising results with respect to the specifically claimed combination of primers and probes.

As indicated in previous Responses, none of the cited references disclose the specifically claimed primer and probe sequences. Applicants strongly believe that methods that use the particular combination of four specific primer and probe sequences are not obvious over the combination of references cited by the Examiner. In view of the amendments and remarks herein, Applicants respectfully request that the rejection of the pending claims under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

Applicants respectfully request allowance of claims 63, 69-74, 78 and 79. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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